WP(C) 5234/2007
BEFORE
HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. D.K. Sarmah, learned counsel for the petitioner as well as Ms. R. Chakraborty, learned State Counsel for the respondents.

By means of this writ petition, the petitioner, who has been settled with the Natun Chiyang Fishery has prayed for a direction to allow him to sell fish in the markets called Dhola and Guijan in the district of Tinsukia.

While Mr. Sarmah, learned counsel for the petitioner has referred to the representation dated 27.8.2007 (Annexure-B) made to the Deputy Commissioner, Tinsukia praying for disposal of the same, Ms. Chakraborty, learned State Counsel submits that the very settlement of the fishery with the petitioner is illegal. She further submits that by permitting the petitioner to sell fish in the aforesaid markets, the interest of others cannot be made to suffer.

In absence of any materials available before this Court and since the grievance raised is basically to be adjudicated on the basis of factual aspects of the matter, I am of the considered opinion that ends of justice would be met, if the writ petition is disposed of providing that the Deputy Commissioner, Tinsukia shall examine the feasibility of permitting to sell fish in the aforesaid markets. The Deputy Commissioner, may dispose of the representation as expeditiously as possible, preferably within 45 days from today. Nobody's interest shall be adversely effected without first hearing the said party.

Writ petition is disposed of.